

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Index No. 08 Civ 5387

-----X
GINA MARIE ROSADO

Plaintiff,

-against-

MILES DANIEL JOHNSON, and
BAKER INSTALLATIONS, INC.,

**VERIFIED ANSWER
TO THIRD PARTY
SUMMONS AND
COMPLAINT**

Defendants,

-----X
MILES DANIEL JOHNSON and
BAKER INSTALLATIONS, INC.,

Third Party Plaintiffs,

-against-

EDWARD ROSADO

Third Party Defendant,

-----X

The Third-Party Defendant, **EDWARD ROSADO**, by attorney **Law Offices
Epstein & Rayhill**, answering the complaint of the Third-Party Plaintiff herein:

1. Denies any knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraphs of the complaint designated as follows: "1", "2", "3" and "4".

2. Deny upon information and belief each and every allegation in the paragraphs of the complaint designated as follows: "5" and "6".

AS AND FOR A FIRST AFFIRMATIVE DEFENSE:

That the accident alleged in the complaint and the injuries and damages alleged therein to have been incurred by the plaintiff(s) were proximately caused in

whole or in part by the contributory negligence and/or culpable conduct of the third party plaintiff(s) herein.

AS AND FOR A SECOND AFFIRMATIVE DEFENSE:

The plaintiff did not suffer any serious injury as defined by Section '5102 of the Insurance Law of the State of New York nor has the plaintiff sustained any economic loss or non-economic loss greater than the basic economic loss as defined in Sections '5102 and '5104 of the Insurance Law of the State of New York.

AS AND FOR A COUNTER CLAIM:

The third party defendant, Edward Rosado, allege the following as and for a COUNTER CLAIM against the third party plaintiffs, MILES DANIEL JOHNSON and BAKER INSTALLATIONS, INC., that if the plaintiff(s) sustained the damages alleged in the complaint through any negligence and/or culpable conduct other than own, such damages were caused by and resulted from the negligence and/or culpable conduct of said third party plaintiffs.

In the event that the plaintiff(s) recover(s) judgment against answering third party defendant(s), then said third party plaintiffs will be liable to answering third party defendant(s), in whole or in the part, for said judgment.

Dated: Elmsford, New York
August 20, 2008

Yours etc.,



William K. Capshaw, Esq. (3811)
LAW OFFICES OF EPSTEIN & RAYHILL
Attorneys for Third Party Defendant
565 Taxter Road, Suite 275
Elmsford, NY 10523
(914) 347-6360
File No.: 08EL00124

To: Law Offices of Mitchel E. Weiss
Attorney for Plaintiff
150 Broadway, Suite 1307
New York, NY 10038
(212) 571-7171

Nesci-Keane PLLC
Attorneys for Defendants/Third Party Plaintiffs
40 Saw Mill River Road, Suite UL1
Hawthorne, NY 10532
(914) 345-0005
File No.: 08-089/217603

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Index No. 08 Civ 5387

-----X
GINA MARIE ROSADO

Plaintiff,

-against-

MILES DANIEL JOHNSON, and
BAKER INSTALLATIONS, INC.,

Defendants,

-----X
MILES DANIEL JOHNSON and
BAKER INSTALLATIONS, INC.,

Third Party Plaintiffs,

-against-

EDWARD ROSADO

Third Party Defendant,

-----X

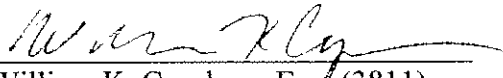
PLEASE TAKE NOTICE THAT demand is hereby made upon you that you serve upon the undersigned a Response to Interrogatories of the third party plaintiff's claim herein, within twenty (20) days after the date service is made upon you of this notice, setting forth in detail the following:

1. What is the date and approximate time of day of the occurrence?
2. What is its approximate location?
3. What are the acts or omissions constituting the negligence claimed?

Dated: Elmsford, New York
August 20, 2008

**THIRD-PARTY
DEMAND FOR A
RESPONSE TO
INTERROGATORIES**

Yours etc.,



William K. Capshaw, Esq. (3811)
LAW OFFICES OF EPSTEIN & RAYHILL
Attorneys for Third Party Defendant
565 Taxter Road, Suite 275
Elmsford, NY 10523
(914) 347-6360
File No.: 08EL00124

To: Law Offices of Mitchel E. Weiss
Attorney for Plaintiff
150 Broadway, Suite 1307
New York, NY 10038
(212) 571-7171

Nesci-Keane PLLC
Attorneys for Defendants/Third Party Plaintiffs
40 Saw Mill River Road, Suite UL1
Hawthorne, NY 10532
(914) 345-0005
File No.: 08-089/217603

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Index No. 08 Civ 5387

-----X
GINA MARIE ROSADO

Plaintiff,

-against-

**COMBINED
DEMANDS**

MILES DANIEL JOHNSON, and
BAKER INSTALLATIONS, INC.,

Defendants,

-----X
MILES DANIEL JOHNSON and
BAKER INSTALLATIONS, INC.,

Third Party Plaintiffs,

-against-

EDWARD ROSADO

Third Party Defendant,

-----X

PLEASE TAKE NOTICE, you are hereby required to produce for discovery, inspection and photocopying, at the office of **Law Offices Epstein & Rayhill**, 565 Taxter Road, Elmsford, New York on the 20th day of September 2008 at 10 o'clock in the fore noon of that day, the following documents.

1. Copies of any and all transcripts of examinations before trial heretofore conducted.
2. If no examinations before trial have heretofore been conducted, copies of any and all Notices of Examinations Before Trial heretofore served by plaintiff and defendant.
3. Copies of all medical reports submitted by the plaintiff.

4. Copies of the medical reports of any Physical Examination conducted of the plaintiff on behalf of the third-party plaintiff.
5. Copies of any written statements taken by plaintiff or third-party plaintiff or their representatives of the third-party defendant, or his agents, servants or employees.
6. Copies of all Notices to Admit and the Answers thereto, heretofore served by or upon third-party plaintiff.
7. Copies of all Notices for Discovery and Inspection and copies of all papers supplied to counsel in compliance therewith, heretofore served by or upon third-party plaintiff.
8. If applicable, copies of the Note of Issue, Jury Demand, Readiness Statement and all other papers served and filed in connection with placing this case on the Calendar of the Court.
9. Copies of any and all Contracts, Agreements, Work Progress Reports, Daily Logs or Work Orders allegedly entered into or exchanged by and between this third-party defendant and third-party plaintiff in effect on the date of the occurrence referred to in plaintiff's complaint for the accident site referred to in plaintiff's complaint.
10. Copies of the entire contents of any insurance agreement under which any corporation or other entity carrying on an insurance business may be liable to satisfy part or all of a judgment which may be entered in this action or to indemnify or reimburse any party for payments made to satisfy the judgment.
11. The name, address or telephone number of any witness and notice witness to the occurrence referred to in plaintiff's complaint, or any person who will be called upon to testify that third-party defendant knew or should have known of any condition which it is alleged caused injury to plaintiff.
12. Copy of all prior pleadings served in this action.

13. A list of all parties who have appeared in this action, together with the names and addresses of their attorneys.
14. The index number and calendar number (unless given above).
15. Copies of any and all photographs in the possession of all parties and/or their attorneys depicting the accident site.
16. Copies of any and all City and Transit Hearings, if applicable.
17. Copy of plaintiff's Notice of Claim filed with the City of New York, if applicable.
18. **DEMAND FOR EXPERT WITNESS DISCLOSURE**

PLEASE TAKE NOTICE, you are required to provide the undersigned, within twenty (20) days, with the following:

- (a) The name and address of each expert witness you intend to call at the trial of this action.
- (b) State the qualifications of each expert witness.
- (c) State the specificity the subject matter upon which each expert is expected to testify at the time of trial.
- (d) Provide the facts and opinion upon which each expert is expected to testify at the time of trial.
- (e) Provide a summary of the grounds of each expert's opinion, and attach any data in support of each opinion and conclusion.
- (f) Attach a complete copy of each expert's report, including photographs, exhibits, diagrams, charts, and any other material prepared by this expert in connection with this action.

PLEASE TAKE FURTHER NOTICE, that the above demands are continuing demands. In the event any of the above items are obtained after service of this demand, they are to be furnished to this office.

Dated: Elmsford, New York
August 20, 2008

Yours etc.,



William K. Capshaw, Esq. (3811)
LAW OFFICES OF EPSTEIN & RAYHILL
Attorneys for Third Party Defendant
565 Taxter Road, Suite 275
Elmsford, NY 10523
(914) 347-6360
File No.: 08EL00124

To: Law Offices of Mitchel E. Weiss
Attorney for Plaintiff
150 Broadway, Suite 1307
New York, NY 10038
(212) 571-7171

Nesci-Keane PLLC
Attorneys for Defendants/Third Party Plaintiffs
40 Saw Mill River Road, Suite UL1
Hawthorne, NY 10532
(914) 345-0005
File No.: 08-089/217603

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Index No. 08 Civ 5387

-----X
GINA MARIE ROSADO

Plaintiff,

-against-

**NOTICE OF
DEPOSITION**

MILES DANIEL JOHNSON, and
BAKER INSTALLATIONS, INC.,

Defendants,

-----X
MILES DANIEL JOHNSON and
BAKER INSTALLATIONS, INC.,

Third Party Plaintiffs,

-against-

EDWARD ROSADO

Third Party Defendant,

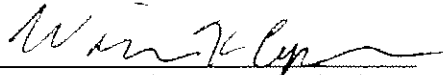
-----X

PLEASE TAKE NOTICE, that pursuant to the testimony, upon oral examination of **all parties** will be taken before a Notary Public who is not an attorney, or employee of an attorney, for any party or prospective party herein and is not a person who would be disqualified to act as a juror because of interest or because of consanguinity or affinity to any party herein, at the **Epstein & Rayhill, 565 Taxter Road, Suite 275, Elmsford, NY 10523**, on the **20th day of October 2008**, at 10 o'clock in the forenoon of that day with respect to evidence material and necessary in the -prosecution-defense- of this action:

All of the relevant facts and circumstances in connection with the accident which occurred on the 19th day of November 2007, including negligence, contributory negligence, liability and damages.

Dated: Elmsford, New York
August 20, 2008

Yours etc.,



William K. Capshaw, Esq. (3811)
LAW OFFICES OF EPSTEIN & RAYHILL
Attorneys for Third Party Defendant
565 Taxter Road, Suite 275
Elmsford, NY 10523
(914) 347-6360
File No.: 08EL00124

To: Law Offices of Mitchel E. Weiss
Attorney for Plaintiff
150 Broadway, Suite 1307
New York, NY 10038
(212) 571-7171

Nesci-Keane PLLC
Attorneys for Defendants/Third Party Plaintiffs
40 Saw Mill River Road, Suite UL1
Hawthorne, NY 10532
(914) 345-0005
File No.: 08-089/217603